

IN THE UNITED STATES DISTRICT COURT

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

FOR THE DISTRICT OF HAWAII

FEB 06 2007  
at 1 o'clock and 0 min. 2M  
SUE BEITIA, CLERK

JORGE SALAZAR-GUILLEN

§

Petitioner

§

vs.

§ Criminal No. 00-00187-01-HG  
Civil No. \_\_\_\_\_

§

FRANCISCO QUINTANA, WARDEN  
F.C.I. Beaumont-Low and  
UNITED STATES OF AMERICA

§

§

Defendants

§

MOTION FOR AN ORDER DIRECTING THE COURT REPORTER TO PROVIDE PETITIONER  
A COPY OF TRIAL TRANSCRIPT

COMES NOW, Jorge Salazar-Guillen, Petitioner in the above entitled and numbered cause and files this motion for an order directing the Court Reporter to provide Petitioner a copy of Trial Transcript. In support, the Petitioner will show the court the following:

1.

On April 8, 2000, the Petitioner was arrested and charged with a felony charge of Continuing Criminal Enterprise in violation of Title 21 U.S.C. 848 (A), Criminal Forfeiture under Title 21 U.S.C. 853, Money Laundering-Controlled Substance-Sell/Distribute/Dispense under Title 18 U.S.C. 1956 (A) (1), Unlawful User of Drugs to Possess in and Affect Commerce, A Firearm under Title 18 U.S.C 922 (G) (3). Petitioner was indicted on the charges.

On October 17, 2001, Petitioner appeared before this court and plead guilty to the charges. Petitioner was sentenced on April 12, 2002 was sentenced to a prison term of 240 months with 5 years of supervised release to follow.

The Petitioner is currently incarcerated at the Federal Corrections Facility-Low in Beaumont, Texas.

2.

On or about January 12, 2007, the Petitioner filed with this court a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C § 2255. In the grounds for relief under Title 28 U.S.C § 2255, the Petitioner argues ineffective assistance of counsel, because of conflict of interest in which the attorney who represented the Petitioner also represented other defendants in the same case. Further the Petitioner argued that the court erred when it determined that drugs that were found were miscalculated due to the fact that some of the drugs were also for persona use and not for sale.

Furthermore, the Petitioner argued that the court erred when it violated the Petitioner's right to a fair trial because the court did not provide a court interpreter knowing and stated on the record that the Petitioner had problems understanding the english language. Petitioner primary language is spanish.

Finally the Petitioner argued that the court errred in accepting the plea of the petitioner on the Continuing Criminal Enterprise when the prosecutors could not prove that the persons that the Petitioner was selling the drugs to were in fact drug users and were not employees of the Petitioner as stated on the record. For the reasons stated above, the petitioner is requesting a copy of the complete copy of the trial transcripts.

ARGUMENT

Petitioner has been trying to obtain a complete copy of his trial transcripts in order for him to proceed with the relief in

which he is requesting in his Motion to Vacate, Set Aside, or Correct Judgment. He has not been able to obtain a complete copy from his attorney nor the court. Petitioner is entitled to a free copy of the transcripts at no cost as ruled in Lane V. Brown 372 US 477, 9 L ed 2d 892, 83 S Ct 768 and also as ruled in Id 351 US at 20. In Burns V Ohio 360 US 252, 3 L ed 2d 1209, 79 S Ct 1164 a ruling was made "Destitute Defendant," the court held, "must be afforded as adequate appellate review as defendants who have money enough to buy transcripts". The court held that a State with an Appellate system which is made available trial transcripts to those who could afford them was constitutionally required to provide "means of affording adequate and effective appellate review to indigent defendants."

As of now, the Petitioner has not been able to obtain the complete copy of the trial transcripts.

RELIEF SOUGHT

WHEREFORE, Premise considered herein, Petitioner respectfully requests that this Honorable Court issue an order ordering that the court reporter provide a copy a complete copy of the trial transcripts of the trial of the Petitioner to perfect Petitioners Motion to Vacate, Set Aside, or Correct Judgment.

Respectfully Submitted,

*Jorge G. Salazar*

Jorge Salazar-Guillen #87626-022  
F.C.I. Beaumont Low-Unit SB  
P.O. Box 26020  
Beaumont, Texas 77720-6020

CERTIFICATE OF SERVICE

I certify that on this 30 day of JANUARY, 2007, I mailed a copy of this foregoing motion to the Office of the United States Attorney by U.S. Postal Service regular mail, postage prepaid to the following address:

Office of the U.S. Attorney  
District of Hawaii  
300 Ala Moana Blvd  
Honolulu, Hawaii 96850-0338

*Jorge G. Salazar*

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Jorge Guillen Salazar